

U. S. DISTRICT COURT
WASHINGTON COUNTY, O.
FILED

**IN THE DISTRICT COURT IN AND FOR WASHINGTON COUNTY
STATE OF OKLAHOMA**

FRANK CROW,)
vs.)
Plaintiff,)
BARTLESVILLE FORD COMPANY, INC.,)
a Domestic for Profit Business Corporation,)
a/k/a Bartlesville Ford d/b/a DOENGES)
FAMILY OF AUTOS, including Lincoln & Toyota,))
Defendant.)
Case Number CJ-2014-161
The Honorable _____
ATTORNEY LIEN CLAIMED
JURY TRIAL REQUESTED
BY J. V. _____

PETITION

Comes Now, Frank Crow, by and through his attorney, Tracy A. Cinocca, of the firm of Tracy A. Cinocca, P.C., and for his Petition for age discrimination states as follows:

JURISDICTION AND VENUE

1. Plaintiff Frank Crow is a resident of the City of Bartlesville, in Washington County, in the State of Oklahoma, at all times material herein and for more than six months preceding this filing. He is now fifty-six years old and was terminated on October 26, 2012 after almost thirty-one years of service for Defendant Doenges Family of Autos in violation of age discrimination laws.

2. Defendant Doenges Family of Autos Bartlesville Ford Company, Inc., a Domestic for Profit Business Corporation, a/k/a "Bartlesville Ford" for short and also d/b/a/ Doenges Family of Autos, including Lincoln and Toyota, is doing business and physically present in the City of Bartlesville, in Washington County, In the State of Oklahoma at all times material herein and for more than six months preceding this filing. This conglomeration of auto dealerships will be collectively referred to as Defendant Doenges Family of Autos or "Doenges Family of Autos"

since Plaintiff worked in the Collision Center on Ford, Toyota and Lincoln vehicles as the Head Painter.

3. All acts complained of and material to the case herein occurred in the City of Bartlesville, in Washington County, in The State of Oklahoma.

4. All conditions precedent to the institution of this action have been fulfilled. Plaintiff Mr. Crow has exhausted his administrative requirements. The EEOC conducted an Investigation. The EEOC issued its Right to Sue Letter on June 4, 2014 and made a finding of age discrimination after extensive interviews of multiple persons at the facility and investigation. The EEOC found "reasonable cause" to believe that Defendant Doenges Family of Autos violated the Age Discrimination Act. Plaintiff has fulfilled all pre-requisites for filing suit.

5. Jurisdiction and venue are proper in this Court.

STATEMENT OF FACTS

6. Plaintiff Mr. Frank Crow hereby incorporates by reference all preceding allegations as if set forth fully herein.

7. On February 28, 1982, Frank Crow was hired at Doenges Family of Autos.

8. Mr. Crow was a Head Painter of the Store on October 26, 2012 when he was fired for discriminatory reasons after almost thirty-one years of service.

9. Plaintiff Mr. Frank Crow worked at Defendant Doenges Family of Autos in its Collision Center. He was fifty-five years old at the time of his termination and a Senior Technician with all certifications in his field.

10. During over thirty years of employment or up until the incidents alleged herein, Plaintiff Mr. Frank Mr. Crow was a good employee who received acceptable performance ratings.

11. On October 26, 2012, Mr. Crow was called to an 8:00 a.m. meeting. Rob Powell, "Fixed Operations" manager began the meeting. He was told by Mr. Powell he was fired immediately though he had done nothing wrong and that the company wanted to "take a different direction." Plaintiff Mr. Frank Crow then went to the owner Brad Doenges' office to speak with him about it. When Plaintiff Mr. Frank Crow asked for specific reasons for his dismissal his response was "the company wants to 'target a different type.'" Mr. Crow took this to mean younger age, and that is in fact, what the Defendant Doenges Family of Autos did—target a different type of a younger age. When he asked what specifically he had done, Brad Doenges told him he had done nothing wrong.

12. A key, almost thirty-one (31) year employee, was terminated having done nothing wrong other than being 55 years old and a Senior Tech with all certifications in the field because management wanted to target a different type with no warning.

13. Defendant Doenges Family Autos claimed it had a legitimate reduction in force. However, Plaintiff Mr. Frank Crow was the only person targeted.

CLAIM FOR RELIEF- AGE DISCRIMINATION

14. Plaintiff Mr. Frank Crow hereby incorporates by reference all preceding allegations as if set forth fully herein.

15. Plaintiff Mr. Frank Crow hereby sets forth his age discrimination claim under Oklahoma law 25 O.S. §1101 et. seq., 25 O.S. §1302 and the Age Discrimination in Employment Act of 1967, as amended and as otherwise may be available in law or equity.

16. Plaintiff Mr. Frank Crow was an "employee" as defined by state and federal law at Defendant Doenges Family of Autos where he worked in the Collision Center for more than

thirty (30) years. He was fifty-five years old at the time of his termination and a Senior Technician with all certifications in his field.

17. Defendant Doenges Family of Autos, was an employer as defined by state and federal law and also within the meaning of Age Discrimination Acts.

18. Defendant Doenges Family of Autos employs over sixty employees or over 100 employees, or over 200 or over 500 employees at any given time through Plaintiff Mr. Frank Crow's employment tenure through the present.

19. Plaintiff Mr. Frank Crow was an "employee" as defined by state and federal law at Doenges Family of Autos.

20. Plaintiff Mr. Frank Crow is a member a protected class as defined by law and entitled to bring this action. Plaintiff was born on January 13, 1958 and is now fifty-six years old.

21. Defendants have discriminated against Plaintiff Mr. Frank Crow with regard to terminating his employment, among other particulars, if any, as may be discovered.

22. Plaintiff Mr. Frank Crow is and was qualified for employment by Defendant Doenges Family of Autos.

23. Plaintiff Mr. Frank Crow exceeded all position requirements and the qualifications of the other younger employees who now work in the same or similar jobs.

24. A determining factor in all Defendant Doenges Family of Autos' adverse actions toward Plaintiff Mr. Frank Crow was his more advanced age entitling him to be a member of a protected class as alleged herein.

25. Plaintiff was replaced by a younger worker with little to no experience under a different job title as general body shop help and told not to tell anyone he was a painter for Defendant because they could get in trouble for discrimination.

26. Defendant Doenges Family of Autos replaced Plaintiff Mr. Frank Crow with a younger less qualified individual.

27. As a result of Defendant Doenges Family of Autos' violations of Oklahoma law, as well as the ADEA, Plaintiff has suffered and continues to suffer damage in the form of lost earnings and salary in the form of back pay and benefits which is ongoing beginning at the date of his firing on October 26, 2012 to the present until resolution of this matter. He has lost future earnings as well future benefits like sick pay, holiday pay, vacation pay, Legal Shield plan, and health insurance. He is in need of reimbursement of additional compensatory damages for forced IRA roll over fees and a 72T Allowance. He has lost health insurance and cobra benefits and incurred other costs for which he should be compensated. Plaintiff Mr. Frank Crow has suffered emotional distress, including damage to his career and to his professional and personal reputation, embarrassment, humiliation, inconvenience, anxiety and mental and emotional pain. He has also suffered attorney fees and costs of bringing this action and loss of interest on income and enjoyment of life from the distress he has suffered. Plaintiff seeks reimbursement and accountability for all damages caused him by Defendant Doenges Family of Autos' conduct as is just and reasonable.

28. The acts or omissions by Defendant Doenges Family of Autos has given rise to a claim for damages by Plaintiff Mr. Frank Crow, for the losses occasioned by the Defendant Doenges Family of Autos' treatment, said damages consisting of compensatory damages, in an amount in excess of \$10,000.00, for which the Plaintiff prays, as required by this Court, since damages exceed said amount.

PUNITIVE DAMAGE OR LIQUIDATED DAMAGE CLAIM

29. Plaintiff Mr. Frank Crow hereby incorporates by reference all preceding allegations as if set forth fully herein.

30. Defendant Doenges Family of Autos actions were intentional, willful, and malicious violations entitling Plaintiff to punitive damages and/or liquidated damages.

31. The acts or omissions were willful, wanton, and malicious, giving a rise to a claim for punitive and/or liquidated damages in an amount in excess of \$10,000.00, for which the Plaintiff Mr. Frank Crow likewise prays, as required by this Court, since damages required to deter such conduct would, in fact, exceed said amount.

32. As a result, Plaintiff Mr. Frank Crow is entitled to all remedies and relief afforded by the ADEA and Oklahoma law, including without limitation liquidated and/or punitive damages and all aforementioned relief allowed.

CONCLUSION

WHEREFORE, Plaintiff respectfully additionally requests that Defendant Doenges Family of Autos be held jointly and severally liable for their conglomeration's conduct as complained and alleged herein in an amount in excess of \$10,000.00 for back pay and lost benefits; emotional distress and harm including but not limited to mental anguish, humiliation, inconvenience, and loss of enjoyment of life; compensatory damages; attorney fees and costs, expert fees, court costs; punitive and/or liquidated damages equal to or greater than the back pay awarded; pre-judgment and post-judgment interest; and any and relief to which he may be entitled or afforded under law or equity and/or as requested herein, may be discovered or the Court deems just and proper and which has otherwise been requested herein.

Respectfully Submitted,
TRACY A. CINOCCA, P.C.

Tracy A. Cinocca, OBA # 17850
4833 South Sheridan Road, Suite 406
Tulsa, Oklahoma 74145
Telephone: (918) 488-9117
Facsimile: (918) 517-3575
Email: TracyCinocca@aol.com &
kthompson@cinoccalaw.com

Attorneys' Lien Claimed
THE PLAINTIFF DEMANDS THAT
THIS ACTION BE TRIED TO A JURY OF TWELVE

VERIFICATION

STATE OF OKLAHOMA)
) SS.
COUNTY OF WASHINGTON)

I, Frank Crow, of lawful age, and with sound mind, being first duly sworn, upon oath, deposes and states the following:

That I have read the above and foregoing document and that the contents are true and correct to the best of my belief and knowledge.



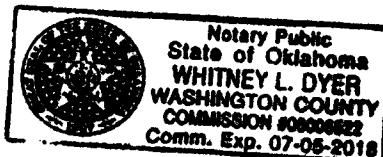
Frank Crow

Subscribed and sworn to before me this 20th day of August, 2014.



Notary Public

06006522
My Commission Number
7/5/18
My Commission Expires:



[SEAL]